

Message Text

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PAGE 01 STATE 062569
ORIGIN PM-05

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S E C R E T STATE 062569

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SECRET

SECRET

PAGE 02 STATE 062569

TAGS:OCLR, EG, US

SUBJECT: NPW TRANSIT OF SUEZ CANAL

REF: A. CAIRO 07257 (DTG 061759Z MAR 78)
B. STATE 023171 (DTG 280226Z JAN 78)
C. CAIRO 07539 (DTG 080910Z MAR 78)

1. FOLLOWING IS INFORMATION IN RESPONSE TO QUERY IN REFTEL CONCERNING USG KNOWLEDGE OF BRITISH, FRENCH AND SOVIET ASSURANCES REGARDING NPW SAFETY AND LIABILITY.

A. HMG HAS QUOTE STANDARD STATEMENT UNQUOTE WHICH IN ALL SUBSTANTIVE RESPECTS IS IDENTICAL TO US STANDARD STATEMENT. IN ADDITION, HMG HAS QUOTE MINISTERIAL STATEMENT OF JUNE 1976 UNQUOTE WHICH, WITHIN HMG, HAS SAME EFFECT AS US PUBLIC LAW 93-513. US AND UK THUS HAVE IDENTICAL APPROACH ON NPW FOREIGN PORT ENTRY.

B. TO BEST OF OUR KNOWLEDGE FRENCH HAVE YET TO REQUEST A FOREIGN PORT NPW VISIT. IN USG DISCUSSIONS WITH GOF CONCERNING NPW VISITS, WE MADE POINT THAT REQUESTS FOR VISITS TO US BY FRENCH NPW WOULD BE GIVEN CONSIDERATION ON BASIS OF RECEIPT OF UNILATERAL ASSURANCES SIMILAR TO US STANDARD

STATEMENT AND A DEMONSTRATED RECORD OF SAFE OPERATION.

C. DEPT HAS NO KNOWLEDGE OF SOVIET PRACTICE REGARDING NPW FOREIGN PORT VISITS AND IS AWARE OF ONLY TWO PORTS VISITED BY SOVIET NPW. ONE WAS CIENFUEGOS, AND THE OTHER ALEXANDRIA. GOE CONSIDERATIONS IN THE DECISION ON THE 1972 AND EARLIER ALEXANDRIA VISITS BY SOVIET SSN WERE PROBABLY POLITICAL AND NOT GERMANE TO CURRENT QUESTION.

SECRET

SECRET

PAGE 03 STATE 062569

2. USG POSITION WITH RESPECT TO NPW VISITS TO THE US THEREFORE CLOSELY PARALLELS POINTS YOU MADE TO FONMIN KAMEL (PARA 5 REFTEL A). WITH RESPECT TO YOUR ASSUMPTION IN PARA 8, REFTEL A, THE USG WOULD HAVE NO OBJECTION TO GOE MAKING QUOTE FREE PASSAGE OF WARSHIPS UNQUOTE PROVISION OF CONSTANTINOPLE CONVENTION OF 1888 APPLICABLE TO ALL NPW ON THE BASIS OF (1) UNILATERAL ASSURANCES SUCH AS OUR OWN, AND (2) DEMONSTRATED SAFE OPERATION, PROVIDED BY COUNTRY WISHING TO MAKE NPW TRANSIT OF THE SUEZ CANAL.

3. FYI: OUR OBJECTIVE IS TO AVOID ANY PRECEDENT WHICH COULD LEAD TO THE EROSION OF THE UNILATERAL POLICY WE AND THE BRITISH USE WORLDWIDE TO OBTAIN NPW ACCESS TO OTHER COUNTRIES. EROSION OF THAT POLICY MIGHT LEAD TO A REQUIREMENT FOR BILATERAL OR MULTILATERAL ARRANGEMENTS WHICH WOULD BE UNACCEPTABLE TO THE US. WHILE WE COULD NOT CONTROL TYPE OF ARRANGEMENT A THIRD COUNTRY MIGHT PROPOSE, OUR OBJECTIVE IS TO PERSUADE GOE TO REACH A DECISION THAT A UNILATERAL ASSURANCE, NOT GOING BEYOND THE BOUNDS OF THE US STANDARD STATEMENT AND PL 93-513, WOULD SUFFICE. END FYI.

4. THE REQUEST BY GOE TO IAEA FOR TECHNICAL ADVICE ON CONDITIONS OF NUCLEAR POWERED SHIP ENTRY WILL, WE EXPECT, RESULT IN ADVICE PATTERNED ALONG LINES FOR COMMERCIAL NUCLEAR SHIPS. AS PREVIOUSLY POINTED OUT IN REFTEL B, COMMERCIAL NUCLEAR SHIPS AND NPW ARE HANDLED ALONG ENTIRELY DIFFERENT LINES BY US AND OTHER COUNTRIES HOSTING SUCH VISITS. YOU MAY WISH TO EMPHASIZE TO GOE THAT OUR CURRENT REQUEST APPLIES ONLY TO PASSAGE OF US NPW THROUGH SUEZ CANAL AND NOT TO PASSAGE OF COMMERCIAL NUCLEAR SHIPS WHICH MAY REQUIRE ENTIRELY DIFFERENT REGIME.

5. IN RESPONSE TO REFTEL C, PANAMA CANAL TRANSITS BY NPW OTHER THAN THOSE OF UK HAVE NOT ARISEN. FYI: NO TRANSITS BY FOREIGN NPW HAVE OCCURRED TO DATE, BUT TWO UK NPW ARE
SECRET

SECRET

PAGE 04 STATE 062569

SCHEDULED TO TRANSIT THIS YEAR. END FYI. SINCE THE UK HAS ALREADY PROVIDED THE US A QUOTE STANDARD STATEMENT UNQUOTE OF ASSURANCES IN CONJUNCTION WITH UK NPW VISITS TO US PORTS, THERE ARE NO ADDITIONAL REQUIREMENTS FOR UK NPW TRANSIT OF PANAMA CANAL. SINCE WE HAVE RECEIVED NO REQUESTS, AND ARE

UNAWARE OF FRENCH OR SOVIET POLICY REGARDING PORT VISITS OR ENTRY INTO INTERNAL WATERS OF ANOTHER STATE BY THEIR NPW, WE CANNOT CITE WITH CERTAINTY HOW PANAMA CANAL TRANSITS OF THEIR SHIPS WOULD BE HANDLED. SO LONG AS USG CONTROLS CANAL, APPROACH WE ARE PREDISPOSED TO FOLLOW IS TO SEEK THE SAME FORM OF UNILATERAL ASSURANCES WE GIVE OTHER COUNTRIES IN ORDER TO MAINTAIN CONSISTENCY OF POLICY FOLLOWED FOR US AND UK NPW OPERATIONS WORLDWIDE.

6. SUBSTANCE OF REFTELS AND THIS TELEGRAM HAVE BEEN DISCUSSED WITH BRITISH EMBASSY WASHINGTON. EMBASSIES CAIRO AND LONDON MAY WISH TO REMAIN IN TOUCH WITH COUNTERPARTS.
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